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defective pulley used on *The Bee*, a foreign vessel, allowed some cement sacks to fall. A local statute provides for a lien for all injuries caused by vessels navigating the waters of the state. (2 OLSON, 1920 OREG. LAWS, §§ 10281–10288.) The plaintiff instituted proceedings *in rem* under the statute. There were no maritime liens on the vessel. Upon the intervention of the owners as claimants, the lower court rendered a personal judgment. *Held*, that the case be remanded for enforcement of the lien *in rem*. *Cordery* v. *The Bee*, 201 Pac. 202 (Oreg.).

Where a maritime cause of action is involved, a state statute creating a lien enforceable *in rem* in the state courts is unconstitutional. *The Hine* v. *Trevor*, 4 Wall. (U. S.) 555. But, since the test of admiralty tort jurisdiction is locality, the tort in the principal case was not maritime. *The Plymouth*, 3 Wall. (U. S.) 20; *Keator* v. *Rock Plaster Mfg. Co.*, 256 Fed. 574 (S. D. N. Y.). In such cases a statutory proceeding *in rem* in a state court against a domestic vessel is valid. *The Winnebago*, 205 U. S. 354; *Stapp* v. *Clyde*, 43 Minn. 192, 45 N. W. 430. The principal case rightly goes a step further and holds constitutional such a proceeding against a foreign vessel. See *Knapp & Co.* v. *McCaffrey*, 177 U. S. 638, 643, 647; *The Robert W. Parsons*, 191 U. S. 17, 25. There are two conceivable constitutional objections to the validity of the statute: (1) that it interferes with the Federal control of interstate or foreign commerce; (2) that it interferes with Federal admiralty powers. But these objections apply as well where a state lien is enforced against domestic vessels engaged in interstate commerce. And in such a case the objections have not been upheld. *The Winnebago*, *supra*. The interference with Federal admiralty power is more arguable where there are maritime liens as well, but the plaintiff cannot assert the constitutional rights of a class to which he does not belong when there is no objection on his own account. *New York ex rel. Hatch* v. *Reardon*, 204 U. S. 152; *The Winnebago*, *supra*.

ADMIRALTY — PRACTICE — APPLICATION OF EQUITABLE PRINCIPLES — EFFECT OF MISCONDUCT. — Through fraud the libelant obtained a contract to make repairs on a vessel at their reasonable value. In a libel *in rem* to recover for these repairs, he wilfully included several items for work not actually performed. *Held*, that the libelant recover the reasonable value of services rendered. *Anderson* v. *S. S. Kalfarli*, N. Y. L. J., Dec. 24, 1921 (C. C. A., 2d Circ.).

A court of admiralty has not equitable jurisdiction. *Andrews* v. *Essex Fire & Marine Ins. Co.*, 3 Mason (U. S.), 6 (Circ. Ct., 1st Circ.); *The Eclipse*, 135 U. S. 599. But it is not bound by strict rules, and to those cases coming within its jurisdiction it applies equitable principles. *The Juliana*, 2 Dods. 504; *Higgins* v. *Anglo-Algerian S. S. Co., Ltd.*, 248 Fed. 386 (2d. Circ.). This case raises the question how far admiralty should deny recovery on account of misconduct. In the case of seamen, misconduct may result in a partial or total forfeiture of wages. *Macomber* v. *Thompson*, 1 Sumner (U. S.), 384 (Circ. Ct., 1st Circ.). To extend this principle to the case of a repairman, denying recovery for the reasonable value of the repairs, would, it seems, result in an unwarranted penalty. The interests of navigation, which justify such a forfeiture for misconduct of seamen, do not require that all maritime services be subject to like forfeitures. Thus in the case of salvage contracts obtained through inequitable means, the courts generally allow recovery for ordinary salvage. *Brooks* v. *S. S. Adirondack*, 2 Fed. 387 (S. D. N. Y.); *The Don Carlos*, 47 Fed. 746 (N. D. Cal.). But see *The No. Carolina*, 15 Pet. (U. S.) 40. *Cf. The Ann C. Pratt*, 18 How. (U. S.) 63. Conceding the libelant's right to recover, there seems no sound reason for compelling him to resort to a court of law, as is done when the right is to nominal, or small substantial, damages only. See *Barnett* v. *Luther*, 1 Curtis (U. S.), 434 (Circ. Ct., 1st. Circ.); *Ely* v.

Murray & Tregurtha Co., 200 Fed. 368 (1st. Circ.). Such a course would differ in its effect from the refusal of equity to give relief in its concurrent jurisdiction, since here the libelant by pursuing his remedy *in personam* at law would achieve substantially the same result as he is seeking in admiralty. The recovery allowed in a court of law would be measured by the substantive law of admiralty. *Chelentis* v. *Luckenbach S. S. Co.*, 247 U. S. 372; *Berg* v. *Phila. & R. Ry.*, 266 Fed. 591 (E. D. Pa.). See 33 HARV. L. REV. 300.

CONSTITUTIONAL LAW — MAKING AND CHANGING CONSTITUTIONS — EFFECT OF ACQUIESCENCE ON IRREGULARLY ADOPTED AMENDMENT. — The Constitution of Alabama provides that the legislature shall appoint a day for special elections at which proposed constitutional amendments are to be submitted. (ALA. CONST., § 284.) In the case of the "Soldiers' and Sailors' Poll Tax Exemption Amendment" the legislature delegated this power to the Governor. The voters accepted the amendment and it was recognized by the governmental departments of the state, including the Supreme Court. (*Cornelius* v. *Pruet*, 204 Ala. 189, 85 So. 430.) *Quo warranto* proceedings were brought against the defendant, a jury commissioner, on the ground that the amendment had not been properly adopted, and that, not having paid a poll tax, he was not a qualified elector and hence ineligible to hold his office under the constitution. (ALA. CONST., § 178.) The defendant's demurrer was overruled. *Held*, that the judgment be affirmed. *Hooper* v. *State*, 89 So. 593 (Ala.).

For a discussion of the principles involved, see NOTES, *supra*, p. 593.

CRIMINAL LAW — FORMER JEOPARDY — SEPARATE CONVICTIONS FOR THE ROBBERY OF TWO PERSONS ON ONE OCCASION. — The defendant on the same occasion robbed A and B, and was convicted of the robbery of A. On an indictment for the robbery of B the defendant pleaded former jeopardy. *Held*, that a judgment overruling the plea be affirmed. *Thompson* v. *State*, 234 S. W. 400 (Tex.).

Where two distinct acts result in as many crimes, even though in the same transaction, prosecution for one will be no bar to prosecution for the other. *Mann* v. *Comm.*, 118 Ky. 67, 80 S. W. 438; *Ashton* v. *State*, 31 Tex. Cr. R. 482, 21 S. W. 48. *Contra*, *Dean* v. *State*, 9 Ga. App. 571, 71 S. E. 932. Moreover, one may by the same act commit two distinct offenses and be prosecuted separately for each. *State* v. *Inness*, 53 Me. 536. See WHARTON, CRIMINAL PLEADING & PRACTICE, §§ 468–471. The validity of the plea of former jeopardy depends, not upon whether the defendant has once before been in jeopardy for the same act, but upon whether he has been in jeopardy for the same offense. See *Gavieres* v. *United States*, 220 U. S. 338, 342; *Morey* v. *Comm.*, 108 Mass. 433, 434. In larceny cases the authorities are in conflict. One line of authority holds that a defendant can only once be put in jeopardy for the taking, on one occasion, of the property of several persons. *State* v. *Sampson*, 157 Iowa, 257, 138 N. W. 473. See *Hoiles* v. *United States*, 3 McAr. (D. C.) 370. But see *Comm.* v. *Sullivan*, 104 Mass. 552. But this anomalous rule is limited to larceny. Whether, in the principal case, there were two acts or one act, the defendant clearly committed two separate offenses. The decision is correct. *Keeton* v. *Comm.*, 92 Ky. 522, 18 S. W. 359; *State* v. *Bynum*, 117 N. C. 749, 23 S. E. 218. See also *In re Allison*, 13 Colo. 525, 22 Pac. 820.

CUSTOMS AND USAGES — SALVAGE — USAGE OF RENDERING SALVAGE SERVICES GRATUITOUSLY. — By a long established usage, fishing vessels on the coast of British Columbia rendered aid to each other gratuitously. The plaintiff performed salvage services for the defendant without actual knowledge of the custom. *Held*, that the defendant is not liable for salvage. *The "Freiya"* v. *The "R. S.,"* 59 D. L. R. 330.